

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 1658 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

-----  
CHIMANLAL M PARMAR

Versus

STATE OF GUJARAT

-----  
Appearance:

MR HARIN P RAVAL for Petitioner

MR KM MEHTA, ADDL. PUBLIC PROSECUTOR for Respondent No. 1

-----  
CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 14/03/97

ORAL JUDGEMENT

1. Rule. Learned APP waives service of rule on the respondent.

2. By way of this Special Criminal Application, the petitioner seeks direction to respondents to make inquiry into the allegations made in various representations vide Annexures C, D, E and F.

The petitioner is a former workman of Navjyot Mills Limited, at Kadi. The said Mill was revived by the order of the Company Judge dated 17/12/95. Prior to that, by order dated September 20, 1995, the Company Judge directed the Union Bank of India to disburse an amount of Rs.1500/- to each of the workers as an ad-hoc payment subject to the final account. The Court also directed that the amount shall be paid by account payee cheque after verification of the name of worker and his identification atleast by two representatives of the Majoor Mahajan Sangh, at Kadi. It is also stated that about 900 workers of Navjyot Mill complained with respect to deduction of Rs.200/- out of Rs.1500/- payable to each workmen on February 15, 1996 and also for making an inquiry into the matter. One Shri Naranbhai Becharbhai Solanki has also complained in this behalf alongwith other 70 workmen by making a representation to the Hon'ble Chief Justice, Gujarat High Court and other authorities. It is further stated that modus operandi has been adopted by Shri Kiritkumar Bhatt and others that a workman who wants to avail of the order of the Court should first pay Rs.200/- to anyone of them, who will issue a chit and only thereafter, the Bank will issue the cheque. It is apprehended that some of the officers of bank are also colluding with accused persons. According to the petitioner, it is clearly a case of misappropriation of the amount of respective workmen and the accused persons have no right to retain the amount. The further say of the complainant is that there is a apparent conspiracy to defraud the workmen of the Navjyot Mills Ltd., at Kadi, at present in liquidation. It is further stated that Shri Aaliarkha Mujatkhan of village Tundali, Taluka Kadi who was working in the Weaving department of the Mill, expired on April 03, 1992. However, at the instance of the persons claiming to identify the workmen, name of Aliarkhan Mujatkhan has been struck off and name of Mohammadkhan has been inserted and the cheque has been issued to him. On enquiry, it is learnt that, Amirbibi Aliarkhan is the heir of the deceased, entitled to the amount. It is further stated that, inspite of the matter being represented to the D.S.P., Mehsana and the Home Minister, Gujarat State, nothing has been done.

3. Having read the contents of the petition, in my view, it constitutes a cognizable offence. In view of this, the Registry is directed to send a xerox copy of the memo of petition and the annexures thereto to the CID Crime Branch, State of Gujarat, at Ahmedabad, who will treat the memo of present application as the complaint and on that basis, a case shall be registered and

accordingly, the CID Crime Branch shall proceed with the investigation.

4. With the aforesaid direction, this Special Criminal Application is disposed of. Rule made absolute to the aforesaid extent.

\*\*\*

parmar\*